

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES WHITE, #177157,

Petitioner,

Case No. 18-cv-12325  
Hon. Matthew F. Leitman

v.

JACK KOWALSKI,

Respondent.

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**ORDER DENYING MOTION TO ISSUE WRIT**

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Michigan prisoner Charles White (“Petitioner”) was convicted of five counts of first-degree criminal sexual conduct in the Oakland County Circuit Court and sentenced to concurrent terms of four to 40 years imprisonment in 1984. He was also convicted of prison escape in the Wayne County Circuit Court and sentenced to one to five years imprisonment, which appears to have been amended to one year and one day, to be served consecutively to his other sentences in 1990. *See* Offender Profile, Michigan Department of Corrections Offender Tracking Information System (“OTIS”), <http://mdocweb.state.mi.us/otis2profile.aspx?mdocNumber=177157>; Pet. Attach. In his pleadings, Petitioner raises claims concerning sentencing credit for time spent in another jurisdiction and claims concerning his sentence and length of detention in the

prison escape case (Wayne Co. No. 90-2252-02-FH). Respondent has recently filed an answer to the petition and Petitioner has filed a reply.

The matter is now before the Court on Petitioner's "Motion to Issue Writ" in which he asserts that Respondent has failed to provide sufficient grounds for his continued incarceration and that he is entitled to habeas relief as a matter of law. Federal Rule of Civil Procedure 56(c) provides that summary judgment is proper:

If the pleadings, depositions, answers to interrogatories and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

Fed. R. Civ. P. 56(c). Although the parties' pleadings and the state court record have been filed in this case, the Court has yet to consider those materials in detail. Based upon an initial review of the record, however, the Court cannot conclude that there is no genuine issue of material fact and/or that Petitioner is entitled to judgment as a matter of law. As such, summary judgment or an issuance of the writ is inappropriate at this time. The Court will address the merits of the case in a forthcoming opinion. Accordingly, the Court **DENIES** Petitioner's motion.

**IT IS SO ORDERED.**

/s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: March 25, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 25, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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